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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,145	10/05/2000	David Drell	i.e.,199-0095US	2642
29855	7590	11/04/2005	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,145

Applicant(s)

DRELL, DAVID

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 3, 2005 has been entered.

Response to Amendment

2. The amendment filed on January 12, 2004 has been fully considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 8-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy USPN (6025870) in view of Clapp et al USPN (6073192).

As per claim 8, Hardy teaches a method for conducting a conference between a near conference endpoint and a plurality of remote conference endpoints connected for communication by a network, comprising the steps of (figs 1 and col. 3, lines 12-49):

at the near conference endpoint:

generating local audio and video signals [local audio and video are generated col.5, line 50 to col. 6, line 34 and col. 25, lines 12-29];

receiving audio and video signals from the plurality of remote conference endpoints [audio and video information are received from plurality remote conference sources of col. 3, lines 13-34 and col.5, line 32 to col. 6, line 34];

creating a plurality of processing trains for processing the received signals, each processing train uniquely corresponding to one of the plurality of remote conference

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endpoints [col. 3, lines 13-34 and col.5, line 24 to col. 6, line 51. see col. 25, lines 12-29];

processing the received audio and video signals [Hardy shows video block 3 for processing both locally generated and remotely received graphical video information col. 3, lines 13-34 and col.5, line 32 to col. 6, line 34];

combining the processed audio and video signal with the local audio and video signal [col. 5, line 24-58 and col. 6, lines 16-61]; and

transmitting the combined audio and video signals to each of tile plurality of remote conference endpoints [Hardy shows Mux/demux 80 that packages the outgoing and incoming data streams and a network interface 90 that receives remote video and audio information from at least one remote conference site via coupling 92 and transmits the received remote video and audio information to mux/demux 80 via coupling 89 so that the audio and video information is transmitted to network interface 90 for subsequent transmission to remote sites col. 5, lines 24-65 and col.6, lines 11-51].

Although Hardy shows substantial features of the claimed invention, including a Mux/demux 80 that packages the outgoing and incoming data streams and a network interface 90 that

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receives remote video and audio information from at least one remote conference site via coupling 92 and transmits the received remote video and audio information to mux/demux 80 via coupling 89 so that the audio and video information is transmitted to network interface 90 for subsequent transmission to remote sites (col. 5, lines 24-63 and col. 6, lines 11-51), he does not explicitly show combining the remote audio and video data with the local audio and video data.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Hardy, as evidenced by Clapp et al USPN. (6073192).

In analogous art, Clapp et al whose invention a peripheral video conferencing system with control unit that controls presentation of remote video signal through the output connector, disclose receiving and buffering both a local source video signal and a remote source video signal, and producing a video signal representative of both local and remote video signals where the combined local and remote video signals are transmitted for display on a local system (col. 17, lines 48-61 and col. 21, lines 47-66. see figs 7-8).

Giving the teaching of Clapp et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Hardy by employing the system of

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Clapp et al so as to simultaneously display decoded local and remote video images on a video monitor coupled to a separate host computer (abstract).

As per claim 9, Hardy teaches the method of claim 8, wherein the step of *creating a plurality of* processing trains includes creating a communication process and a set of codecs [col. 5, lines 12-65 and col. 25, lines 12-50].

As per claim 10, Hardy teaches the method of claim 8, wherein the step of combining the processed audio and video signal is performed using an audio mixer and video-switching module (video switch 30) [col.5, line 49 to col. 6, line 34].

As per claim 11, Hardy teaches the method of claim 8 further comprising providing a circuit switch for instantiating, the plurality of processing trains, the circuit switch including dynamically allocable inverse multiplexers [col.5, line 32-65 and col. 6, line 25-51].

As per claim 12, Clapp et al teach the method of claim 10, wherein the video switching module is selectively operable in a continuous presence mode, wherein images corresponding to each

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of the plurality of conference endpoints are displayed in separate areas of a composite image [fig. 11].

As per claim 13, Hardy teaches a the multi-point capable video conferencing endpoint comprising (figs 1 and col. 3, lines 12-49):

a network interface (network interface 90) for receiving remote audio and video data from a plurality of remote endpoint through a network [col. 3, lines 13-34 and col.5, line 32 to col. 6, line 34];

an audio interface (fig. 1, Block 4) for receiving local audio data from a local source [col. 5, lines 12-60];

a video interface (fig. 1, Block 3) for receiving local video data from a local source [col. 5, lines 12-60]; and

a CPU (CPU 40 ,70, controller 26) programmed to control receipt of the remote audio and video data, receipt of the local audio and video data [col.5, line 24 to col. 6, line 34];

transmission of the combined audio and video data to each of the plurality, of remote endpoints through the network [col. 5, lines 24-65 and col.6, lines 11-51].

As for combining the remote audio and video data with the local audio and video data see the rejection in claim 8 above.

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As per claim 14, Hardy teaches the multi-point capable video conferencing endpoint of claim 13, wherein the CPU is further programmed to instantiate a plurality of processing trains corresponding to the plurality of remote endpoints, wherein each processing train receives the, audio and video data from a single remote endpoint [conferencing application processes locally generated audio and video data for processing remotely generated audio and video data received from the remote conference endpoint [col. 5, lines 24-65 and col.6, lines 11-51].

As per claim 15, Hardy teaches the multi-point capable video conferencing endpoint of claim 14, wherein each processing train comprises:

a communication process for sending and receiving the audio and video data to and from a single remote endpoint [col. 5, lines 32-65];

a video codec in communication with the communication process for encoding the sent video data and decoding the received video data [video codecs are inherent feature of processing and mixing received video signals and col.5, line 32 to col. 6, line 34]; and

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an audio codec communication with the communication process for encoding the sent audio data and decoding the received audio data [audio codecs are inherent feature of processing and mixing received audio signals col.5, line 32 to col. 6, line 34].

As per claim 16, Hardy in view of Clapp teach the multi-point capable video conferencing endpoint of claim 15, further

Comprising:

a video switching module (video switch 30) in communication with each of the plurality of processing trains and the video interface for combining the local video data with the remote video data [col.3, lines 1-55]; and

an audio mixing module in communication with each of the plurality of processing trains and the audio interface for combining the local audio data with the remote audio data [col.5, line 32 to col. 6, line 34].

As per claim 17, Hardy teaches the multi-point capable video conferencing endpoint of claim 13, wherein the network interface comprises a plurality of ISDN ports corresponding to the plurality of remote endpoints [col.5, line 24-39].

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As per claim 18, Hardy teaches the multi-point capable video conferencing endpoint of claim 13, wherein the network interface comprises an Ethernet connection [col.5, line 24-39].

As per claim 19, this is a means claim with similar limitations as claim 1 and 13 above. Therefore, it is rejected with the same rationale.

As per claim 20, Hardy in view of Clapp et al teach the multi-point capable video conferencing endpoint of claim 19, wherein the means for receiving audio data from a local audio source and video data from local video source comprises a first means for receiving audio and a second means for receiving video data [col. 5, lines 24-65 and col.6, lines 11-51].

As per claim 21, Hardy in view of Clapp et al teach the multi-point capable video conferencing endpoint of claim 19, wherein the means for combining the local audio data with the remote audio data and the local video data with the remote video data further comprises a first means for combining audio data and a second means for combining video data [col. 5, lines 24-65 and col.6, lines 11-51, see claim 1 above)

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As per claim 22, Hardy in view of Clapp et al teach the multi-point capable video conferencing endpoint of claim 21, wherein the means for combining the local audio data with the remote audio data and the local video data with the remote video data further comprises a first means for combining audio data and a second means for combining video data [col. 5, lines 24-65 and col.6, lines 11-51, see claim 1 above).

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

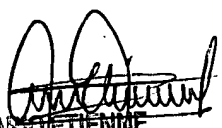
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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